

**BEFORE THE DUE PROCESS HEARING PANEL
DEPARTMENT OF ELEMENTARY & SECONDARY EDUCATION
STATE OF MISSOURI**

In the Matter of:

)
,)
Student)
)
and)
)
Grandview C-4 School District,)
)
Respondent.)

**COVER SHEET OF
PERSONALLY IDENTIFIABLE INFORMATION**

The parties to the Due Process Hearing are:

, student
represented by his parents,
and
Ms. Shelley Schiebel Patterson
Attorney at Law
5830 Woodson, Suite 206
Mission, Kansas 66202

and

Grandview C-4 School District, Respondent
represented by
Mr. Ransom Ellis, III
Ellis, Ellis et al
901 St. Louis, Suite 600
Springfield, MO 65806

DECISION AND ORDER

The matter comes before a properly constituted Hearing Panel under Section 162.961 RSMo. The hearing was conducted on April 13, 2005 by agreement of the parties. The original final decision date was extended to April 29, 2005 by agreement of all parties concerned. The parties were each represented by counsel. Documentary and testimonial evidence was presented by both parties and the Hearing Panel took the matter under advisement. This document represents the Decision of the Hearing Panel after it reviewed the evidence presented in light of the applicable law.

FINDINGS

1. The Hearing Panel determined that there were significant procedural errors committed by Respondent in the processing of the student's reviews.
2. The Panel determined that the procedural errors did not interfere with the proper handling of the Manifestation Determination Review.
3. The Panel Found that Respondent failed to have a Behavioral Intervention Plan (BIP) in place to be considered for this student which is a condition of providing FAPE.
4. The Panel found that Respondent imposed a uniform disciplinary penalty on the student as it would apply to any student who was not entitled to a review resulting from a determination under IDEA or the State Plan.
5. The Hearing Panel determined that Respondent failed to make an individualized determination as to this student as required by the law and

regulations when it imposed a standard homebound program without consideration of the individualized needs of the student.

CONCLUSION

The Hearing Panel determines that Respondent did not provide a Free and Appropriate Education (FAPE) for this student.

ORDER

The Hearing Panel directs Respondent to perform a proper IEP review for this student consistent with the requirements of the law, including the development of a BIP, and implement the revised program so as to provide FAPE considering all of the service options available and the special needs of this student.

Decided this 29th day of April, 2005 by unanimous decision of the Hearing Panel:

Dr. Joyce Anderson Downing
Panel Member

Ivan L. Schraeder
Panel Chairperson

Dr. Terry Allee, Panel Member

CERTIFICATE OF SERVICE

The undersigned served the **DECISION AND ORDER** in this matter on the following persons by placing same in an envelope addressed with postage properly paid and by placing same in the U.S. Postal Service in St. Louis, MO on the 29th day of April, 2005:

Ms. Shelley Schiebel Patterson
Attorney at Law
5830 Woodson, Suite 206
Mission, Kansas 66202

and

Mr. Ransom Ellis, III
Ellis, Ellis et al
901 St. Louis, Suite 600
Springfield, MO 65806

and

Ms. Pam Williams, Director
Special Education Compliance
Dept. of Elementary & Secondary Education
State of Missouri
P. O. Box 480
Jefferson City, MO 651102-0480
